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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,567	07/31/2000	Li Wen Liu	40116/06001	4144
30636 7590 09/27/2007 FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			EXAMINER TRAIL, ALLYSON NEEL	
			ART UNIT 2876	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/628,567

Applicant(s)

LIU ET AL.

Examiner

Allyson N. Trail

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-26 and 28-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/26/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment and filed June 5, 2007.

Remarks

2. Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's submission after final filed on June 5, 2007 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-18, 20-22, 24, 25 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (2003/0164398), hereinafter Walker in view of Forsythe et al (6,540,137), hereinafter Forsyth and in further view of Lewis et al (6,233,565), hereinafter Lewis.
5. With respect to claim 16, Walker discloses in figure 14A (described in paragraphs 0086-0087), a transaction being initiated (step 1402) at the POS terminal, and receiving transaction data (step 1404). A survey question (content unrelated to data essential for completion of the transaction) is transmitted to the operator (step 1406). The survey question is displayed as text on the display device 210. The POS terminal then

receives a survey response from the customer (step 1412). The survey response may be entered by the customer via a keypad on the POS terminal and the response is further stored (step 1414) for future analysis.

Walker discloses in the abstract that obtaining data from the customer (via survey questions at the POS) allows the performance of the operator to be measured. Additionally, the survey questions shown in figure 14C, clearly indicate that the questions/answers provide the retail store with information which would help with future sales of products.

As can be seen in figure 14C (specifically 1460), the unrelated content, not essential to the completion of the transaction includes questions regarding various products. One question includes "Do you like our new shake?". The responses are stored in a database 1490 (paragraph 0091).

With respect to claim 20, Walker discloses in figure 14C (1460) the content including advertisements. "Do you like our new shake?" is advertising the shake.

With respect to claim 32, see Walker's teachings above regarding claim 1. Walker additionally discloses an interface to a content-provider for receiving content for presentation. See paragraph 0024, which discussed figure 14B – an illustration of a survey database of the POS terminal of FIG. 2.

Walker's teachings above fail to specifically teach the survey being displayed and a response being made on a separate customer-response unit. The specifics of the customer-response unit are also not disclosed by Walker.

With respect to claims 16, 24, and 32 Forsythe discloses in figure 1 a cashier-side unit 76 and a customer-response unit (customer interface unit) 78, which includes a payment terminal. The customer-response unit includes a communication link (communication line) 156. (Col. 32, line 65).

Figure 21 shows the interactive customer interface terminal 78 including a display monitor 78a, which is provided to display retail information including product advertisements to the customer during operation of the checkout system 10.

Regarding claim 17, shown in figure 1 is the personnel side 42. The personnel side includes a personnel interface 76. Items are scanned with scanner 26 and the monetary amount is displayed on the personnel interface (via the cashier-side unit).

Explained below is the communication between the cashier-side unit and the customer-response unit.

"The processing unit 78b communicates with the personnel interface terminal 76 through a data communication line 156 (i.e. a data cable). The processing unit 78b generates output signals on the data communication line 156 which cause instructional messages and transaction information to be displayed on the display monitor 76a (see FIG. 23) of the personnel interface terminal 76. Moreover, data signals generated by the keypad 76b associated with the personnel interface terminal 76 are transmitted to the processing unit 78b via the communication line 156 when retail personnel touches a particular key associated with the keypad 76b." (Col. 32, line 64 – Col. 33, line 7).

The customer-response unit includes a payment terminal 44, which consists of a card reader, a coin and bill acceptor, and a keypad. The customer chooses his preferred method of payment and completes the transaction.

Additionally, with respect to claims 16 and 25, Forsythe teaches in column 17, lines 28-51, displaying customer-specific messages to the customer on the display monitor 78a at certain times during a checkout transaction. Customer-specific messages are retail messages that are customized for a given customer based on the purchasing habits or other information that is unique to the customer. For example, a customer-specific message may include a customer-specific advertisement, which advertises a product that was purchased by the customer during a previous visit to the retailer's store. In another example a customer-specific message may include a customer-specific advertisement that advertises a product, which may be used in conjunction with a product that was previously scanned or otherwise entered into the checkout system 10 during the current checkout transaction.

The advertisement information taught by Forsythe is also content which is unrelated to data essential for completion of the transaction.

With respect to claim 21, Forsythe teaches figure 9B, which shows a signature capture device 102. The processing unit 78b (part of the customer-response unit) communicates with the signature capturing device.

With respect to claim 22, Forsythe teaches in column 26, lines 54-58 that the processing unit 78b communicates with the electronic payment terminal in order to

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receive data read from the customer's card or codes such as PIN numbers which are input by the customer via use of the keypad.

In view of Forsythe's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to apply Walker's customer survey/response method to Forsythe's cashier-side/customer-response unit. Both Walker and Forsythe disclose displaying content to a customer that is unrelated and not essential to the completion of the transaction. One would be motivated to include a separate customer-response as is taught by Forsythe in order to make the answering of the survey questions private as well as providing a display to the customer that is convenient (facing the customer's direction). The details of the customer-response unit such as the electronic signature and PIN are typical features in response units and are there for the customer's conveniences as well.

Walker's teaching in combination with the teachings of Forsythe above fail to teach transmitting the customer input (payment information) to a remote service provider for authorization.

With respect to claims 16 and 18, Lewis discloses in column 17, lines 4-15 transmitting the input to a remote service provider for authorization.

In view of Lewis' teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to transmit the payment received by Walker in combination with Forsythe's payment terminal to a remote service provider for authorization. Although this step is not disclosed by either Walker or Forsythe, all payment systems that use credit or debit cards check for authorization before fully

completing the purchasing transaction. One would be motivated to authorize the payment card in order to ensure that funds are available to cover the cost of the product being purchased.

6. Claims 19, 23, 26, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in combination with both Forsythe and Lewis and in further view of Smith et al (2003/0126020), hereinafter Smith.

Walker's teachings in combination with the teachings of Forsythe and Lewis are discussed above. These teachings include the limitations disclosed in claims 26 and 28-30. Forsythe additionally teaches printing a receipt (figure 14). The combination however fails to teach storing electronic receipts and also fails to teach the customer input being biometric data.

With respect to claims 19, 23, 26, and 31, Smith teaches in paragraph 0017, that typically, an electronic receipt will be generated by a vendor device at a point-of-sale. When a transaction takes place, an electronic receipt may be transmitted from the vendor device to a purchaser device where the receipt may be stored for further processing within the device or for further transmission to other devices and systems.

Smith further teaches in paragraph 0032 that some embodiments of WPD 2 may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPD user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts.

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In view of Smith's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to electronically store the receipts and additionally use biometric data to identify the customer. Both Walker and Forsythe teach printing the receipt for the customers. The printed receipts are used in part for returns. One would be motivated to store all customer receipts in order to make customer returns easier if the printed receipt is lost. Additionally, Forsythe teaches using a PIN to ensure the authenticity of the customer. Using biometric data in addition to using a PIN would only further ensure the authenticity of the payment card owner.

Response to Arguments

7. Applicant's arguments with respect to claims 1-26 and 28-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

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All Internet e-mail communications will be made of record in the application file.

PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

AJ

Allyson N. Trail
Patent Examiner
Art Unit 2876
September 15, 2007

A handwritten signature in black ink, appearing to read 'Thien M. Le', with a stylized, flowing script.

**THIEN M. LE
PRIMARY EXAMINER**